

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**ANNE BRUMBAUGH, GARY L. HARMON and  
RANDY K. GRIFFIN,**

**Plaintiffs,**

**v.**

**WAVE SYSTEMS CORPORATION, STEVEN K.  
SPRAGUE and GERARD T. FEENEY,**

**Defendants.**

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**CIVIL ACTION  
NO. 04-30022-MAP**

**ASSENTED-TO MOTION FOR DISTRIBUTION OF  
CLASS SETTLEMENT FUND**

**PLEASE TAKE NOTICE**, that, upon the annexed Affidavit of Ellen R. Riley of The Garden City Group, Inc. (“GCG”), the claims administrator for the Settlement, the Declaration of Kay E. Sickles of Schiffrin Barroway Topaz & Kessler, LLP, on behalf of Lead Counsel, and upon all prior proceedings herein, the undersigned hereby move this Court for an Order pursuant to Rule 23(e) of the Federal Rules of Civil Procedure: (i) approving the administrative determinations of GCG accepting and rejecting claims submitted herein; (ii) directing payment of \$95,019.40 out of the Settlement Fund to GCG for the balance of its fees and expenses incurred and to be incurred in connection with services performed and to be performed with respect to the administration of the Settlement; (iii) directing distribution of the Net Settlement Fund, after deduction of the payment requested herein, to Class Members whose Proof of Claim and Release forms (“Proofs of Claim”) have been accepted; (iv) approving the plan for re-distribution and/or donation of any funds remaining in the Net Settlement Fund following the

distribution to Class Members; (v) authorizing destruction of paper copies of Proofs of Claim one year after distribution of the Net Settlement Fund, and authorizing destruction of electronic copies of claim records three years after distribution of the Net Settlement Fund; and (vi) for such other and further relief as this Court deems appropriate.

WHEREFORE, Lead Plaintiffs respectfully request that the Court enter an Order in the form of the proposed Order Authorizing Distribution annexed hereto as Exhibit A.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Plaintiffs' counsel have conferred with defendants' counsel in a good faith effort to resolve or narrow the issues raised by this Motion with the following result: defendants assent to the relief sought by this Motion.

Dated: January 8, 2008

Respectfully Submitted,

/s/ David Pastor

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*Lead Counsel for Lead Plaintiffs*

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 8, 2008.

/s/ David Pastor  
David Pastor